IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION NO.2678 OF 2005

Suresh Ratanshi Gada & Ors. ...Petitioners.
Vs.
The State of Maharashtra & Ors. ...Respondents.
....
Mr. S.C. Naidu i/b. C.R. Naidu & Co. for the Petitioners.
Mr.Pradeep Jadhav, AGP for Respondent Nos.1 and 3.
Mr. J. Reis with Mrs.S. Ajitkumar for Respondent No.2.
Mr. D.D. Madon i/b. Sujata Naik for Respondent No.5.
.....

CORAM : F.I. REBELLO, J. AND
DR.D.Y.CHANDRACHUD, J.

January 18, 2006.

P.C.

Rule. By consent heard forthwith.

On behalf of Respondent No.5, the Learned Counsel makes the following statement:

-(i) Respondent No.5 is withdrawing the application dated 11th January 2000 in respect of which NOC was granted on 9th June 2000 and revalidated from time to time, the last being 21st July 2005 being Exh.Q to the petition. Statement accepted. In view of the withdrawal of the application, the said NOCs including

revalidation dated 21st July 2005 are set aside;

-(ii) Learned Counsel on behalf of Respondent No.5 makes a statement that they will not apply under Regulation 33(7). Statement accepted. It is made clear that this statement will not prevent Respondent No.5 from making application under any other provisions of law which they are entitled to;

-(iii) The Petitioners make a grievance that on account of construction of a wall, the ventilation to the common toilet is being obstructed. BMC to inspect the site. On inspecting the site, if BMC comes to the conclusion that there is an obstruction to the common toilet, BMC to issue an order to Respondent No.5 to remove the obstruction. Respondent No.5 on receipt of such orders/instructions to remove the same within 15 days thereafter;

-(iv) It is made clear that all other contentions raised in this petition, including the defences raised by the Respondents, are left open for consideration if the Petitioners are advised to file a fresh petition hereafter.

Rule is made absolute. No order as to costs.

(F.I. Rebello, J.)

(Dr. D.Y. Chandrachud, J.)